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April 23, 2012

VIA E.C.F.

The Honorable Sandra L. Townes
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Michael Virtuoso
Docket No. 11 CR 508 (SLT)

Dear Judge Townes:

I am writing to request that Mr. Virtuoso's sentencing, currently scheduled for Tuesday, May 1, 2012 at 11:30 A.M. be adjourned and a control date for sentencing be set for any day and time the week of May 28, 2012, with the exception of May 30, 2012, or on a date and time thereafter that is convenient for the Court.

As this Court is aware, Mr. Virtuoso has been diagnosed with a hernia approximately one month ago and the physicians at the Metropolitan Correction Center (MCC) recommended surgery. Surgery was scheduled to occur this past week on April 16, 2012. However, the procedure was cancelled while Virtuoso was at the hospital because the surgeon learned of Mr. Virtuoso's thoracic aortic aneurysm and because his sugar levels were too high. As a result, the surgeon is requesting clearance from a cardiologist prior to performing surgery. I have been in constant contact with the MCC. They have informed me that they are awaiting a date for a consultation from the outside specialist's office.

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More importantly, Mr. Virtuoso is still experiencing significant pain from the hernia and is not fit for sentencing. As previously noted, he can not stand or remain seated for extended periods of time and has been prescribed pain medication.

Therefore, based on Mr. Virtuoso's constant pain, expected consultation with a cardiologist and incumbent surgery, it is respectfully requested that his current sentencing date be adjourned and the aforementioned control date be set so that Virtuoso will have sufficient opportunity to recover from surgery and be fit for sentencing.

I have spoken with A.U.S.A. Evan Norris and consents to the aforementioned request.

Respectfully submitted,



Joseph DiBenedetto

cc: Mr. Evan Norris,
Assistant United States Attorney
(Via Email)